

STATE OF WISCONSIN, CIRCUIT COURT, \_\_\_\_\_ COUNTY

☐ Amended

IN THE MATTER OF

**Determination and Order  
on Petition for  
Guardianship of Minor**

Case No. \_\_\_\_\_

Date of Birth \_\_\_\_\_

This matter is before the court on a Petition for Guardianship of Minor and a hearing has been held. The court has considered the testimony and other evidence presented and the guardian ad litem's report and recommendation.

**THE COURT FINDS:****1. JURISDICTION, VENUE, NOTICE AND EVALUATIONS TO COURT**

- A. This court ☐ does ☐ does not have jurisdiction of the subject matter and of the person of the individual.  
 B. This court ☐ is ☐ is not a proper venue.  
 C. Notice ☐ was ☐ was not properly served.

D. The minor is:

- ☐ present.  
☐ not present.

E. The proposed guardian and any proposed stand-by guardian are:

- ☐ present as follows: \_\_\_\_\_  
☐ not present and the court permits attendance by telephone for good cause shown as follows: \_\_\_\_\_  
☐ not present and the court excuses the attendance as follows: \_\_\_\_\_

**2. NEED FOR GUARDIANSHIP OF MINOR**

Upon presentation of clear and convincing evidence:

- ☐ the need for guardianship of minor has not been established.  
☐ the allegations of the petition are true and the minor is in need of a guardian because: \_\_\_\_\_

**3. APPOINTMENT OF GUARDIAN OF THE PERSON AND EXTENT OF POWERS**

It is appropriate to appoint a guardian of the person with the power to:

**If a power is to be affected, the box to the far left must be marked. Marking only box (1) or (2) has no effect and the minor retains the power.**

- ☐ ab. Except as otherwise limited by Wisconsin Statute 54.25(2)(d)2.ab., the power to give an informed consent to the voluntary receipt by the guardian's ward of a medical examination, medication, including any appropriate psychotropic medication, and medical treatment that is in the ward's best interest, if the guardian has first made a good-faith attempt to discuss with the ward the voluntary receipt of the examination, medication, or treatment and if the ward does not protest.

**Choose (1) or (2):**

- ☐ (1) Minor retains limited capacity and the power to: \_\_\_\_\_  
 Guardian of the person to exercise power not retained by minor.

- ☐ (2) Minor lacks evaluative capacity in full. Guardian of the person to exercise full power.

- ☐ ac. Except as otherwise limited by Wisconsin Statute 54.25(2)(d)2.ac., the power to give informed consent, if in the ward's best interests, to the involuntary administration of a medical examination, medication other than psychotropic medication, and medical treatment that is in the ward's best interest.

**Choose (1) or (2):**

- ☐ (1) Minor retains limited capacity and the power to: \_\_\_\_\_

- Guardian of the person to exercise power not retained by minor.  
☐ (2) Minor lacks evaluative capacity in full. Guardian of the person to exercise full power.
- ☐ b. The power to authorize minor's participation in an accredited or certified research project if the research project might help the minor, or others if minimal risk of harm.  
**Choose (1) or (2):**  
☐ (1) Minor retains limited capacity and the power to: \_\_\_\_\_  
Guardian of the person to exercise power not retained by minor.  
☐ (2) Minor lacks evaluative capacity in full. Guardian of the person to exercise full power.
- ☐ c. The power to authorize minor's participation in research that might not help the minor but might help others if greater than minimal risk of harm to the minor but evidence indicates minor would have elected to participate.  
**Choose (1) or (2):**  
☐ (1) Minor retains limited capacity and the power to: \_\_\_\_\_  
Guardian of the person to exercise power not retained by minor.  
☐ (2) Minor lacks evaluative capacity in full. Guardian of the person to exercise full power.
- ☐ d. The power to consent to experimental treatment in the minor's best interests.  
**Choose (1) or (2):**  
☐ (1) Minor retains limited capacity and the power to: \_\_\_\_\_  
Guardian of the person to exercise power not retained by minor.  
☐ (2) Minor lacks evaluative capacity in full. Guardian of the person to exercise full power.
- ☐ e. The power to give informed consent to receipt by minor of social and supported living services.  
**Choose (1) or (2):**  
☐ (1) Minor retains limited capacity and the power to: \_\_\_\_\_  
Guardian of the person to exercise power not retained by minor.  
☐ (2) Minor lacks evaluative capacity in full. Guardian of the person to exercise full power.
- ☐ f. The power to give informed consent to release of confidential records other than court, treatment, and patient health care records and redisclosure as appropriate.  
**Choose (1) or (2):**  
☐ (1) Minor retains limited capacity and the power to: \_\_\_\_\_  
Guardian of the person to exercise power not retained by minor.  
☐ (2) Minor lacks evaluative capacity in full. Guardian of the person to exercise full power.
- ☐ g. The power to make decisions related to mobility and travel.  
**Choose (1) or (2):**  
☐ (1) Minor retains limited capacity and the power to: \_\_\_\_\_  
Guardian of the person to exercise power not retained by minor.  
☐ (2) Minor lacks evaluative capacity in full. Guardian of the person to exercise full power.
- h. [Intentionally omitted to correspond with statute.]
- ☐ i. The power to choose providers of medical, social, and supported living services.  
**Choose (1) or (2):**  
☐ (1) Minor retains limited capacity and the power to: \_\_\_\_\_  
Guardian of the person to exercise power not retained by minor.  
☐ (2) Minor lacks evaluative capacity in full. Guardian of the person to exercise full power.
- ☐ j. The power to make decisions regarding educational and vocational placement and support services or employment.  
**Choose (1) or (2):**  
☐ (1) Minor retains limited capacity and the power to: \_\_\_\_\_  
Guardian of the person to exercise power not retained by minor.  
☐ (2) Minor lacks evaluative capacity in full. Guardian of the person to exercise full power.
- ☐ k. The power to make decisions regarding initiating a petition for termination of marriage.  
**Choose (1) or (2):**  
☐ (1) Minor retains limited capacity and the power to: \_\_\_\_\_  
Guardian of the person to exercise power not retained by minor.  
☐ (2) Minor lacks evaluative capacity in full. Guardian of the person to exercise full power.
- ☐ l. The power to receive all notices on behalf of minor.  
**Choose (1) or (2):**  
☐ (1) Minor retains limited capacity and the power to: \_\_\_\_\_

Guardian of the person to exercise power not retained by minor.

- ☐ (2) Minor lacks evaluative capacity in full. Guardian of the person to exercise full power.
- ☐ m. The power to act in all proceedings as an advocate of the minor, except the power to enter into a contract that binds the minor or the minor's property or to represent the minor in any legal proceedings pertaining to the property, unless the guardian of the person is also the guardian of the estate.

**Choose (1) or (2):**

- ☐ (1) Minor retains limited capacity and the power to: \_\_\_\_\_.

Guardian of the person to exercise power not retained by minor.

- ☐ (2) Minor lacks evaluative capacity in full. Guardian of the person to exercise full power.
- ☐ n. The power to apply for protective placement or for commitment.

**Choose (1) or (2):**

- ☐ (1) Minor retains limited capacity and the power to: \_\_\_\_\_.

Guardian of the person to exercise power not retained by minor.

- ☐ (2) Minor lacks evaluative capacity in full. Guardian of the person to exercise full power.
- ☐ o. The power to have custody of the minor, if an adult, and the power to have care, custody, and control of the minor, if a minor.

**Choose (1) or (2):**

- ☐ (1) Minor retains limited capacity and the power to: \_\_\_\_\_.

Guardian of the person to exercise power not retained by minor.

- ☐ (2) Minor lacks evaluative capacity in full. Guardian of the person to exercise full power.
- ☐ p. other specific powers: \_\_\_\_\_

☐ See attached**4. APPOINTMENT OF GUARDIAN OF THE ESTATE AND EXTENT OF POWERS**

It is appropriate to:

- ☐ A. Appoint and authorize a permanent guardian of the estate of the minor to perform the duties of the guardian of the estate under §54.19, and exercise the powers that do not require court approval under §54.20 (3), except as follows:

\_\_\_\_\_  
 \_\_\_\_\_

☐ See attached

- ☐ B. Authorize the guardian of the estate to perform the following **additional powers** (other than to make gifts) that require court approval under §54.20(2): \_\_\_\_\_

☐ See attached

- ☐ C. Direct the guardian of the estate deposit the minor's funds of \$100,000 or less in an insured account of a bank, credit union, savings bank or savings and loan association in the name of the guardian and the ward and payable only upon further order of the court and waive bond for the guardian of the estate of the minor.

☐ **5. ALTERNATIVE TO GUARDIANSHIP OF ESTATE FOR SMALL ESTATES**

It is appropriate to dispense with an appointment of a guardian of the estate and transfer the individual's funds of \$50,000 or less under one of the alternatives for small estates under §54.12(1) as follows:

\_\_\_\_\_  
 \_\_\_\_\_

☐ See attached**6. MINOR'S RIGHT OF NOMINATION**

The minor is:

- ☐ under age 14.
- ☐ 14 years of age or older and
- ☐ has made a nomination of his or her guardian in writing in circuit court.
- ☐ the court has dispensed with the right of nomination for the following reason: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_

**7. SUITABILITY OF GUARDIAN**

Based upon the Statement of Acts by Proposed Guardian and Consent to Serve, the recommendation of guardian ad litem, and the court having considered all nominations and applicable preferences and criteria, including the opinions of the proposed ward and of the members of his or her family, and any potential

conflicts of interest resulting from the proposed guardian's employment or other potential conflicts of interest, the following person or organization is competent and suitable to be appointed:

Type of Guardian		Name & Address	Phone
Guardian of the	Person		
Guardian of the	Estate		
Standby Guardian of the	Person		
Standby Guardian of the	Estate		

☐ One or both of the parents of the minor have not been appointed as guardian because: \_\_\_\_\_

#### 8. PETITIONER'S ATTORNEY FEES AND COSTS

It is ☐ equitable ☐ inequitable to award payment of petitioner's reasonable attorney fees and costs from the minor's income and assets.

#### THE COURT ORDERS:

The petition is:

- ☐ dismissed.  
☐ granted as follows:

#### 1. APPOINTMENT OF GUARDIAN

The court appoints the following:

Type of Guardian		Name & Address	Phone
Guardian of the	Person		
Guardian of the	Estate		
Standby Guardian of the	Person		
Standby Guardian of the	Estate		

#### 2. LIMITATIONS AND POWERS

The guardian is authorized to exercise powers in part or in full consistent with the above findings in a manner that is appropriate to the minor and that constitutes the least restrictive form of intervention.

☐ Co-Guardians must concur with each other when making decisions on behalf of the ward unless otherwise ordered by the court ☐ as follows: \_\_\_\_\_

#### ☐ 3. BOND

The guardian of the estate:

- ☐ shall be issued letters of guardianship upon filing ☐ surety bond ☐ signature bond in the amount of \$ \_\_\_\_\_.  
☐ is not required to file a bond provided that the guardian shall deposit of minor's funds of \$100,000 or less in an insured account of a bank, credit union, savings bank or savings and loan association in the name of the guardian and the minor, and payable only upon further order of the court. Proof of deposit shall be filed with the court within \_\_\_\_\_ days.  
☐ is not required to file a bond and bond is waived.  
☐ Other: \_\_\_\_\_

☐ See attached

#### 4. INVENTORY, ANNUAL ACCOUNT, ANNUAL REPORT

##### ☐ Inventory and Annual Account.

The guardian of the estate shall file an inventory of the minor's assets **within 60 days** ☐ and provide a copy of the inventory to the following persons: \_\_\_\_\_

☐ The guardian of the estate shall file an account **by April 15 of each year** or as otherwise required by the court as follows: \_\_\_\_\_.

☐ The guardian of the estate is authorized to file a Modified Annual Account of Married Ward which shall be filed by **April 15 of each year** or as otherwise required by the court as follows: \_\_\_\_\_

☐ See attached☐ **Annual Report.**

The guardian of person shall file Annual Report on the Condition of the Ward.

**5. CHANGE OF ADDRESS**

The guardian shall immediately notify the court in writing of any change in the address of the minor or of the guardian.

☐ **6. ALTERNATIVE TO GUARDIANSHIP OF ESTATE**

As an alternative to appointing a guardian of the estate, the minor's funds of \$50,000 or less shall be transferred under one of the alternatives for small estates under §54.12(1), as follows: \_\_\_\_\_

☐ See attached**7. FEES AND COSTS OF PROCEEDING**

☐ A. Guardian is not appointed: The petitioner shall pay the compensation of the guardian ad litem and the minor's legal counsel.

☐ B. Guardian is appointed:

1. Reasonable compensation of the guardian ad litem and minor's counsel shall be paid from the minor's income or assets, if sufficient. If the minor's income or assets are insufficient, the guardian ad litem shall be paid by the county of venue and the minor's counsel shall be paid at public expense or by the county of venue.

2. Petitioner's reasonable attorney fees and costs shall be paid:

☐ by the petitioner.

☐ from the minor's income or assets.

☐ C. Other: \_\_\_\_\_

**8. GUARDIAN'S COMPENSATION AND REIMBURSEMENT**

The guardian's compensation and reimbursement of expenses, if any, must be approved by the court before payment is made.

**THIS IS A FINAL JUDMENT/ORDER FOR PURPOSES OF APPEAL.**

**BY THE COURT:**

Name of Attorney	
Address	
Telephone Number	Bar Number

\_\_\_\_\_  
Circuit Court Judge/Court Commissioner

\_\_\_\_\_  
Name Printed or Typed

\_\_\_\_\_  
Date